

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION
2:05cv1**

ANITA DUNCAN, NAOMI DUNCAN, and MARY McCOMBS, on behalf of themselves and similarly situated employees,)	
)	
Plaintiffs,)	
)	
Vs.)	SHOW CAUSE ORDER
)	
PHOENIX SUPPORTED LIVING, INC.; and TONY SCHMIDT,)	
)	
Defendants.)	
)	

THIS MATTER is before the court on the representation of respective counsel that this matter settled, which was made on or about August 8, 2007. While counsel have left weekly messages as to the status of such settlement, the court simply cannot leave this matter open indefinitely, especially where the settlement should be straight forward. In the two months since settlement was announced, counsel should have done the work necessary to have this action dismissed.

To that end, the court will calendar a hearing at which the parties shall show cause why they have not tendered the Rule 41 Stipulation of Voluntary Dismissal signed by all parties or their counsel. The court will consider at that hearing whether this matter should be placed back on the active court docket and whether the court's already completed Order disposing of the dispositive motions should not be entered. The parties are advised that at the time of the settlement, an Order was ready to be entered disposing of all pending motions, which the court forestalled in deference to

the settlement. Finally, the court will consider the entry of an appropriate daily sanction for the delay in filing the dismissal.

ORDER

IT IS, THEREFORE, ORDERED that this matter is calendared for a **SHOW CAUSE** hearing on October 15, 2007, at 1 p.m. If, however, a properly executed Rule 41 stipulation of dismissal is entered by Friday, October 12, 2007, such hearing will be cancelled.

Signed: October 9, 2007

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

